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09/776,165	02/01/2001	Luosheng Peng	10480-003-999	9627

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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,165

Applicant(s)

PENG, LUOSHENG

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-3, 6-10, 13 and 14 are presented for examination. Claims 4, 5, 11 and 12 are cancelled.

Response to Arguments

2. Applicant's arguments filed 11/16/2004 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-3,6-10,13 and 14 is maintained.

Applicant argues, (1) "O'Neal, 6,411,685, does not disclose or suggest parsing a header portion of a first file to find a reference header and extracting an identifier of a second file in the reference header". The examiner respectfully disagrees. O'Neal discloses parsing a header portion (e.g., use of pointer to parse information including header information from e-mail received according to the SMTP, col., 11, lines 22 – 62, figure 4a) of a first file (e.g., use of TIFF or GIF file, col., 2, lines 20 – 44, audio file, col., 12, lines 24 – 41, col., 9, lines 44 - 56) to find a reference header (e.g., reference information of other message information, col., 11, lines 22 – 62, figure 4a), and extracting (e.g., use of pointer to separate information including header information from e-mail received according to the SMTP, col., 11, lines 22 – 62, figure 4a) an identification (e.g., type of e-mail attachment, figure 14, using HTTPS, col., 5, lines 40 - 53) of a second file (e.g., e-mail attachment file, col., 6, lines 12 –24, figure 14, text or image or audio, col., 15, lines 27 – 58, col., 9, lines 44 - 56) in the reference header (e.g., reference information of other message information, col., 11, lines 22 – 62, figure 4a)". Therefore, the rejection is maintained.

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Applicant argues, (2) “the use of an identifier in claim 1”, is not well known in the art. The examiner respectfully disagrees in response to applicant's arguments. The well-known concept of use of identifier is disclosed by Smiga et al., 6,622,147, for example usage of MIME and GUID identifier, col., 47, line 14 – col., 48, line 61. Allen et al., 6,026, 410, also discloses usage of MIME and GUID identifier, col., 41, line 18 – col., 42, line 48. The well-known concept of identifier usage would enhance identifying information used for e-mail. The identified information would enhance processing the e-mail information (i.e., attachment, etc., of the e-mail). Therefore, the rejection is maintained.

Applicant argues, (3) “O’Neal does not disclose or suggest determining a nearest location to retrieve the second file based on the identifier”. The examiner respectfully disagrees. O’Neal discloses determining a nearest location (e.g., use of pointer information including available closest location, col., 8, line 56 – col., 9, line 13) to retrieve the second file (e.g., e-mail attachment file, col., 6, lines 12 –24, figure 14, text or image or audio, col., 15, lines 27 – 58) based on the identifier (response to above argument 2 for identifier use). Therefore, the rejection is maintained.

Applicant argues, (4) “O’Neal does not disclose or suggest retrieving the second file based on the determining”. The examiner respectfully disagrees. O’Neal discloses retrieving (e.g., use of pointer to receive e-mail information according to the SMTP, col., 11, lines 22 – 62, figure 4a) the second file (e.g., e-mail attachment file, col., 6, lines 12 –24, figure 14, text or image or audio, col., 15, lines 27 – 58) based on the determining (e.g., type of e-mail attachment, figure 14, using HTTPS, col., 5, lines 40 - 53). Also, page 10, lines 5-8 of the specification, clearly states, “The invention should therefore not be limited to the particular embodiments

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discussed above, but rather is defined by the claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject. Therefore, the rejection is maintained.

Applicant argues, (5) "O'Neal, is Non-analogous Art, not in the same field of endeavor as the present application, and is not reasonably pertinent to the particular problem with which the inventor was concerned". The examiner respectfully disagrees. As per the claimed invention, the applicant discloses, a method / computer program product / for optimizing traffic volume in a communications network only (see claims 1-3, 6-10, 13 and 14). O'Neal teaches a method (e.g., col., 4, lines 44 – 58) / computer program product (e.g., col., 4, lines 52 – 66) for optimizing traffic volume (e.g., media information provided based on the thin web browser being used, col., 2, lines 26 - 48) in a communications network (e.g. wide area network, abstract), which is the same field of endeavor. In response to applicant's argument that O'Neal is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, a method / computer program product for optimizing traffic volume in a communications network is similar to O'Neal's teachings of media information provided based on the thin web browser being used over the network (e.g. col., 2, lines 26 - 48, abstract). Therefore, the rejection is maintained.

Response to Amendment

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3. The amendment to the specification, paragraph 2 of page 1, dated 11/16/2004, has been acknowledged.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal 6,411,685 in view of "Official Notice".

6. As per claims 1 and 8, O'Neal teaches a method / program product for optimizing traffic volume in a communications network as follows:

receiving a first file (e.g., e-mail containing streaming voice or image files, col., 1, line 10 – col., 2, line 48),

parsing a header portion of said file to find a reference header (e.g., parsing of the header of an markup file containing voice or image data for the reference of the next streaming multimedia file to be downloaded, col., 1, line 10 – col., 2, line 48),

extracting an identification of a second file in said reference header (e.g., handling the e-mail attached multimedia data to retrieve the subsequent files containing multimedia data, col., 1, line 10 – col., 2, line 48),

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determining a nearest location to retrieve said second file based on said identification (e.g., locating the multimedia data files in local or reference pointing location, col., 1, line 10 – col., 2, line 48), and

retrieving said second file based on said determining (e.g., multimedia content files of a thin client retrieving stream, receiving e-mail content handled by downloading modules and functions, col., 1, line 10 – col., 2, line 48).

However, O'Neal does not specifically mention about well-known concept of using an identifier. "Official Notice" is taken that both the concept and advantages of providing an identifier is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to identify another module. The well-known concept of use of MIME, GUID, and markup language tags with identifier parameters to identify streaming files in the streaming environments, would allow one file to refer to the next file so that the streaming of the multimedia data can take place. The well-known concept of utilizing the previously downloaded streamed files that are present at the local cache will allow referencing and processing the local files immediately, rather than having the same files to be downloaded again for use. Hence, the e-mails that are sent to the sender need not contain all the information if some of the information, i.e., any attachments or files are already present at the receiving device. The well-known concept of use of identifier is disclosed by Smiga et al., 6,622,147, for example usage of MIME and GUID identifier, col., 47, line 14 – col., 48, line 61. Allen et al., 6,026, 410, also discloses usage of MIME and GUID identifier, col., 41, line 18 – col., 42, line 48.

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7. As per claims 2, 3, 9 and 10, O'Neal teaches the following:

determining a tag associated with said reference header (e.g., processing of a tag of markup language using the header containing pointer information, col., 5, line 13 – col., 7, line 29),

said tag including said identifier and an address to download said second file (e.g., reference to the second multimedia file, col., 5, line 13 – col., 7, line 29),

examining a local cache for a copy of said second file (e.g., assessing the local memory for the multimedia file, col., 5, line 13 – col., 7, line 29),

examining said reference header for a server address to download said second file if said local cache does not include said second file (e.g., assessing the web location if the file is not present in the local memory for the multimedia file, col., 5, line 13 – col., 7, line 29), and

extracting an address of a sender of said first file if said reference header does not include said server address (e.g., locating the service provider of the multimedia data without using the reference information, col., 5, line 13 – col., 7, line 29).

8. As per claims 6 and 13, O'Neal teaches a method / program product for optimizing traffic volume in a communications network as follows:

receiving a first file (e.g., e-mail containing streaming voice or image files, col., 1, line 10 – col., 2, line 48),

parsing a header portion of said first file for a reference header (e.g., parsing of the header of an markup file containing voice or image data for the reference of the next streaming multimedia file to be downloaded, col., 1, line 10 – col., 2, line 48),

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extracting an identification to a second file on said reference header (e.g., handling the e-mail attached multimedia data to retrieve the subsequent files containing multimedia data, col., 1, line 10 – col., 2, line 48),

examining a local cache for a copy of said second file (e.g., locating the subsequent multimedia data files in local or reference pointing location, col., 1, line 10 – col., 2, line 48),

updating said reference header to include an address to said local cache if said copy of said second file is in said local cache (e.g., updating the reference pointer to point to the already streamed downloaded file present in the local cache, col., 1, line 10 – col., 2, line 48).

However, O’Neal does not specifically mention about well-known concept of using an identifier. “Official Notice” is taken that both the concept and advantages of providing an identifier is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to identify another module. The well-known concept of use of MIME, GUID, and markup language tags with identifier parameters to identify streaming files in the streaming environments, would allow one file to refer to the next file so that the streaming of the multimedia data can take place. The well-known concept of utilizing the previously downloaded streamed files that are present at the local cache will allow referencing and processing the local files immediately, rather than having the same files to be downloaded again for use. Hence, the e-mails that are sent to the sender need not contain all the information if some of the information, i.e., any attachments or files are already present at the receiving device. The well-known concept of use of identifier is disclosed by Smiga et al., 6,622,147, for example

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usage of MIME and GUID identifier, col., 47, line 14 – col., 48, line 61. Allen et al., 6,026, 410, also discloses usage of MIME and GUID identifier, col., 41, line 18 – col., 42, line 48.

9. As per claims 7, 14, O'Neal teaches the following:

determining a tag associated with said reference header (e.g., processing of a tag of markup language using the header containing pointer information, col., 5, line 13 – col., 7, line 29),

said tag including said identifier (e.g., reference to the next multimedia file, col., 5, line 13 – col., 7, line 29).

Conclusion

10. The references not relied upon in attached form PTO-892, Smiga et al., 6,622,147 and Allen et al., 6,026, 410, are not relied upon as rejection.

11. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

May 13, 2005


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